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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,859	10/19/2001	Yingwei Chen	US 010534	4951
24737	7590	04/15/2005	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			RAO, ANAND SHASHIKANT	
			ART UNIT	PAPER NUMBER
			2613	
DATE MAILED: 04/15/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/082,859

Applicant(s)

CHEN ET AL.

Examiner

Andy S. Rao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Request for Reconsideration

1. Applicant's arguments filed on 11/29/04 with respect to claims 1-24 have been fully considered but they are not persuasive.
2. Claims 1-24 remain rejected under 35 U.S.C. 102(e) as being anticipated by Adolph et al., (hereinafter referred to as "Adolph"), as was previously set forth in the prior Office Action of 8/31/04.
3. The Applicant presents three arguments contending the Examiner's rejection of claims 1-24 under 35 U.S.C. 102(e) as being anticipated by Adolph et al., (hereinafter referred to as "Adolph"), as was previously set forth in the prior Office Action of 8/31/04. However, after a careful consideration of the arguments presented and further scrutiny of the reference, the Examiner respectfully disagrees and maintains the grounds of rejection for the reasons that follow.

Firstly, the Applicant argues that Adolph fails to disclose "...determining whether the current video frame acts as a reference for the future video frames..." as in the claims (Request for Reconsideration: page 8, lines 7-15). The Examiner respectfully disagrees. The citation in question teaches that the OSD that is replaced is based on whether the data is unchanged or not, and further shows that the OSD is I macroblock data. Accordingly, since the I macroblocks consisting of OSD data would be in a current I frame, and be used to predict a future frame, such as a P or B frame (Adolph: figure 1, P1 is considered to a future frame is display order when presented in the sequence of frames commencing in the I frame). Accordingly, the Examiner maintains that this feature is met when

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considering the fact that I frames are used to present future P or B frames as based on MPEG (Adolph: column 1, lines 25-35).

Secondly, the Applicants argues that there is no motivation to determine whether a current frame acts as reference for a future frame since the process is driven by the user interface (Request for Reconsideration: page 8, lines 15-20; page 9, lines 1-8). The Examiner respectfully disagrees. In particular it is noted that while the UI may control the set up or the formatting of the OSD data for the decoder, the actual presentation of the data is out of the hands of the UI, it is noted that the “skipping” occurs after the formatting by the UI, and would definitely be needed if “encoding on the fly” is needed and the UI formatted OSD data cannot be efficiently presented (Adolph: column 4, lines 20-25). Accordingly, the Examiner asserts that the UI only controls the formatting of the OSD data and not the actual presentation of the OSD data as discussed, and when encoding on the fly is employed, would have to determine if a current frame acts as a reference for a future frame since in accordance MPEG decoding (Adolph: figure 1).

Lastly, the Applicants makes several remarks that the action fails to address the specific features of claims 2-13 (Request for Reconsideration: page 9, lines 9-19). The Examiner respectfully disagrees. It is noted that for claim 2, in accordance with the decoding of MPEG (Adolph: figure 1), the I frame would be used for a B prediction and thus skip check. For claim 3, that limitation is met just by the definition of a B frame in MPEG which isn't used as a reference for any frame in the sequence of frames and thus any OSD data deposited in a B frame meets this limitation through skipping to a B frame (Adolph: figure 1; column 3, lines 55-60). As to claim 4, a zero motion vector still is a motion vector with a range, a range of zero. Non-zero vectors would have integer specific

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ranges. Accordingly, the Examiner maintains that these claims have been sufficiently dealt with in the action.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy S. Rao whose telephone number is (571)-272-7337. The examiner can normally be reached on Monday-Friday 8 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris S. Kelley can be reached on (571)-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andy S. Rao
Primary Examiner
Art Unit 2613

asr
April 12, 2005

ANDY RAO
PRIMARY EXAMINER
